

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SARAH J. HOLSWORTH,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

CASE NO. 2:24-cv-00005-RSL

ORDER STRIKING AMENDED
COMPLAINT

This matter comes before the Court *sua sponte*. On January 2, 2024, this matter was removed from state court.¹ Twenty-nine days later, plaintiff filed a second “Amended Complaint for Damages.” Dkt. # 11.

Pursuant to Federal Rule of Civil Procedure 15(a)(1), “[a] party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Plaintiff’s amendment does not comply with 15(a)(1). Even if the Court were to assume that the twenty-one day deadline for amendment as a matter of course ran from the date of

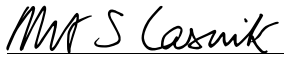
¹ Plaintiff originally filed this lawsuit in King County Superior Court in July 2023. She filed her first amended complaint in November 2023. *See* Dkt. # 10.

1 removal, the amendment had to be accomplished by January 23, 2024. Plaintiff was no
2 longer entitled to amend under Rule 15(a)(1)(A) after that date. As for Rule 15(a)(1)(B),
3 defendants have not filed a responsive pleading. Thus, plaintiff was never entitled to
4 amend under Rule 15(a)(1)(B).

5 Rule 15(a)(2) provides that, “[i]n all other cases, a party may amend its pleading
6 only with the opposing party’s written consent or the court’s leave.” There is no indication
7 that plaintiff obtained defendants’ consent to amend her pleading, nor has plaintiff sought
8 or received the Court’s leave to amend the Complaint.

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10 For all of the foregoing reasons, the Amended Complaint filed on January 31, 2024,
11 is hereby STRICKEN.

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14 Dated this 1st day of February, 2024.

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17 Robert S. Lasnik
18 United States District Judge
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